

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE GUARDIAN NEWS, INC. and
SELIM ZHERKA,

Plaintiffs,

07 Civ. 7078 (CLB)

-against-

**Affirmation in Support of Motion for an Award
Of Attorney's Fees Pursuant to 42 U.S.C. §1988**

PHILIP AMICONE, *et. al*,

Defendants.
-----X

JONATHAN LOVETT, an attorney duly admitted to practice in this Court and the courts of the State of New York, hereby affirms under penalty of perjury that the following statement is true:

1. I am counsel to Plaintiffs herein and submit this affirmation in support of their application for an award of reasonable attorney's fees and costs pursuant to 42 U.S.C. §1988.

2. On November 13 and 14, 2007, a bench trial was held in this matter at which time the Court reserved decision. On March 3, 2008 February 8, 2008, by memorandum and order the Court granted Plaintiffs a permanent injunction and *inter alia* declaratory relief.

BACKGROUND REGARDING YOUR AFFIRMANT

3. Your affirmant is a 1971 graduate of Columbia Law School, a former Assistant District Attorney in the New York District Attorney's Office under the late Frank Hogan (1971-5), a former Sr. Assistant Westchester County Attorney and thereafter Deputy County Attorney in charge of civil litigation for the County of Westchester (1975-82), and a partner in the firm of Lovett & Gould, LLP from 1982 to the present.

4. Your affirmant has, over the years, specialized his practice in civil rights litigation with an emphasis upon representation of Plaintiffs. In connection with that practice I have successfully represented Plaintiffs in *inter alia* dozens of actions including but not limited to:

- a. Sassi II v. Lou-Gould, 05 Civ. 10450 (CLB), 06 Civ. 4037 (CLB), 06 Civ. 6374 (CLB) (\$100,000 verdict and fees in the amount of \$66,326.38),
- b. Basile v. Spagnola, 05 Civ. 10699 (LMS) (\$200,000 verdict including \$50,000 in punitive damages, fee application pending).
- c. Ceccotti v. Amendola, 06 Civ. 4501 (LMS) (jury verdict in the principal sum of \$579,900, fee application and post-judgment motions pending),
- d. Rubeo v. Olson (City of Yonkers), 94 Civ. 8445 (BDP) (jury verdict of \$340,000);

- e. Serchen v. Zaleski (City of Yonkers), 92 Civ. 9381
(BDP) (settlement in the principal sum of \$440,000);
- f. Dobbs v. Dansk, 95 Civ. 7205 (CLB) (Substantial
settlement award subject to confidentiality agreement);
- g. Ceccacci v. City of White Plains, 94 Civ. 7533
(BDP) (Substantial settlement subject to confidentiality
agreement);
- h. Serrano v. City of New York, 95 Civ. 2864 (CLB) (\$90,000
settlement inclusive of fees);
- i. Kounitz v. Slaatten, 95 Civ. 0038 (BDP) (\$100,000
settlement, inclusive of fees);
- j. Thomsen v. Neiman Marcus, 95 Civ. 2863 (BDP) (settled
for substantial sum of money which included fees and is
subject to confidentiality agreement);
- k. Tolve v. Bullers (Xerox Corp.), 94 Civ. 6320 (CLB)
(settled for substantial sum of money which included
fees and is subject to confidentiality agreement);
- l. Mercaldo v. Carlos (Town of Putnam Valley), 94 Civ.
9023 (CLB) (Accepted Rule 68 judgment in the sum of
\$150,000);
- m. Moore v. Pavone (Town of Cortlandt), 94 Civ. 2712 (CLB)
(settled for substantial sum of money which included
fees and is subject to confidentiality agreement);
- n. Shanes-Hernandez v. Clementoni (County of
Westchester), 94 Civ. 4171 (CLB), upon jury verdict

and post appeal, Plaintiff received \$420,000 inclusive of fees.

- o. Marraccini v. Moeller (Town of Harrison), 92 Civ. 6189 (CLB), consolidated with,
- p. Murphy v. Moeller, 92 Civ. 6188 (CLB) (fee inclusive settlement of \$325,000);
- q. Trataros v. Hilaris, 90 Civ. 5169 (GLG) (post jury verdict fee award of \$75,000);
- r. Lichtig v. Kisslinger, 89 Civ. 7981 (CLB) (settled for substantial sum of money which included fees and is subject to confidentiality agreement);
- s. Campanella v. O'Rourke, 88 Civ. 6322 (GLG) (fee award of \$75,000);
- t. Fanelli v. O'Rourke, 88 Civ. 5563 (CLB) (fee inclusive settlement of approximately \$110,000); and,
- u. Bates v. Singletary, 84 Civ. 8549 (LBG) (settled for substantial sum of money which included fees and is subject to confidentiality agreement).
- v. Collarini v. Zakian, 96 Civ. 5435 (CLB) (settlement of \$125,000, fee inclusive),
- w. Szoke v. Carter, 95 Civ. 1231 (BDP) (settlement of \$135,000, fee inclusive),
- x. Pallett v. Palma, 95 Civ. 0315 (CLB) (settlement in substantial sum, fee inclusive, subject to confidentiality agreement),

- y. Rende v. NYNEX, 96 Civ. 8851 (BDP) (settlement in substantial sum, fee inclusive, subject to confidentiality agreement),
- z. Riedinger (Sandy) v. D'Amicantonio, 95 Civ. 1721 (BDP) (settlement in the amount of \$170,000, fee inclusive),
- aa. Riedinger (Guy) v. Gould, 96 Civ. 5704 (RCC) (verdict in the amount of \$169,000, fees in the amount of \$50,000),
- bb. Poggioli v. Carroll, 94 Civ. 8313 (BDP) (verdict of \$155,000 (\$5,000 compensatory, \$150,000 punitive, settled during pendency of fee application for \$99,000 inclusive of fees),
- cc. Blumenthal v. Lothringer, 96 Civ. 7151 (CLB) (settlement in the sum of \$1,450,000, fee inclusive),
- dd. Masci v. Krzminski, 96 Civ. 6515 (CLB) (verdict and fees, \$40,000, fee inclusive),
- ee. Sherwood v. Iacovelli, 96 Civ. 9459 (BDP) (settlement inclusive of retroactive appointment as police lieutenant),
- ff. Lerry v. Coxen, 95 Civ. 2149 (BDP) (\$40,000 verdict plus fees),
- gg. Bellom v. Neiman Marcus Group, 96 Civ. 0512 (BDP) (fee inclusive settlement subject to confidentiality Agreement),

- hh. Ferber v. Everfast, Inc, 96 Civ. 1881 (CLB) (\$235,000 verdict, settled for \$125,000, fee inclusive),
- ii. McGuire v. American Telephone & Telegraph Co., 95 Civ. 10214 (BDP) (substantial, fee inclusive settlement, subject to confidentiality agreement),
- jj. Dunn v. Wyskida, 97 Civ. 5805 (WCC) (verdict of \$200,000 including \$10,000 in punitive damages, settled with confidentiality agreement),
- kk. Persaud v. Rivera, 98 Civ. 1413 (CLB) (settled during trial for a substantial sum, inclusive of fees and subject to a confidentiality agreement),
- ll. Moskowitz v. Coscette, 99 Civ. 7334 (GAY) (verdict of \$200,000 (\$125,000 in compensatory, \$75,000 in punitive damages), plus fees; affirmed by Second Circuit), and,
- mm. Stanley v. County of Westchester, 00 Civ. 0188 (GAY) (verdict in the sum of \$1,100,000, reduced post-verdict).

5. In addition, your affirmant has successfully represented Defendants in federal civil rights actions including *inter alia*:

- a) Sternberg v. Fletcher (Village of Airmont), 91 Civ. 2550 (GLG);
- b) Tall v. Town of Cortlandt, 709 F.Supp. 401 (S.D.N.Y. 1989);

- c) Heritage Equities, Inc. v. Town of Cortlandt, 86 Civ. 6449 (CLB);
- d) Kirkland v. City of Peekskill Police Department, 87 Civ. 8112 (MEL); and,
- e) Kirkland v. City of Peekskill, 651 F.Supp. 797 (S.D.N.Y.), *aff'd* 828 F.2d 104 (2d Cir. 1987).

6. In connection with Plaintiff's civil rights actions, your affirmant is also currently prosecuting a substantial number of civil rights cases in the Southern and Northern Districts of New York.

**COUNSEL'S FEES/DISBURSEMENTS
AND PERTINENT BACKGROUND INFORMATION**

7. Annexed hereto as Exhibit 1 are the contemporaneous time slips maintained by your affirmant for work done in this case. The total number of hours expended, as evidenced by those records, is 94.4 hours.

8. Annexed hereto as Exhibit 2 are the records evidencing photocopying done in connection with this case. The total cost of photocopying is \$186.60 (1255 copies @ .15 per copy).

9. Exhibit 2 also embodies our records evidencing expenditures in this case for postage. The total cost of postage is \$72.87.

10. The Court's filing fees in this case was \$350, a circumstance with regard to which the Court can take judicial

notice. The filing receipt, under the circumstances, is deemed Exhibit 3.

11. Annexed hereto as Exhibit 4 are our records evidencing payments for service of process in this action, the total cost of which is \$62.96.

12. Annexed hereto as Exhibit 5 are our records evidencing payments for pre-trial deposition transcripts, the cost of which is \$3,070.50.

13. Annexed hereto as Exhibit 6 are our records evidencing messenger service used in connection with this litigation, the cost of which is \$495.

14. Annexed hereto as Exhibit 7 are our records evidence over-night mailings with respect to this litigation, the cost of which is \$52.37.

15. Annexed hereto as Exhibit 8 are our records evidencing the cost of witness fees in the amount of \$1,575.

16. Annexed hereto as Exhibit 9 are our records evidencing the purchase of the trial transcript at a cost of \$765.90.

CONTINGENT FEE NATURE OF THE ACTION

17. Prosecution of this civil rights action was undertaken by Lovett & Gould LLP entirely upon a contingent fee basis. Had we not prevailed, we would have received absolutely no compensation for time and services rendered.

**JONATHAN LOVETT'S PREVIOUSLY,
JUDICIALLY ESTABLISHED HOURLY RATES**

14. On the basis of your affirmant's experience, success and advocacy skills fourteen years ago this Court awarded attorney's your affirmant fees in the amount of \$250 per hour. See e.g. Shanes-Hernandez v. Clementoni, 94 Civ. 4171 (CLB). Eight years ago in 2000 I was awarded fees in Moskowitz, supra, at a rate of \$300 per hour. In Sassi II, supra, Judge Brieant rendered a memorandum and order (annexed as Exhibit 10), premised upon Arbor Hill Concerned Citizens Neighborhood Association v. County of Albany, 484 F.3d 162 (2d Cir. 2007), determined that a "blended rate" for Lovett & Gould (predicated on the "presumption that lead counsel shall perform about a third of the work") is \$345 an hour. In the case at bar your affirmant alone handled this litigation from commencement to conclusion. Under the circumstances we submit that your affirmant's hourly rate which is not the product of blending, should be fixed in the amount of \$450.

LOVETT & GOULD FEES/DISBURSEMENTS

15. For the reasons set forth in the accompanying memorandum of law it is submitted that the following fees should be awarded Lovett & Gould, LLP.:

Attorney	Hours	Rate	Amount

Lovett	94.4	\$450	\$42,480
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In addition, the following out of pocket expenses are sought with respect to Lovett & Gould and Plaintiff, personally:

Item	Amount
Copies	\$186.60
Witness fees	\$1,575
Filing fee	\$350
Deposition Transcripts	\$3,070.50
Court trial transcript	\$765.90
Postage	\$72.87
Service of Process	\$62.96
Messenger Service	\$495
Overnight delivery services	\$52.37
SUBTOTAL	\$6,631.20

FEES/DISBURSEMENTS TOTAL: \$49,111.20

WHEREFORE an award of attorney's fees in the sum of \$49,111.20 should be granted.

Dated: White Plains, N.Y.
March 13, 2008

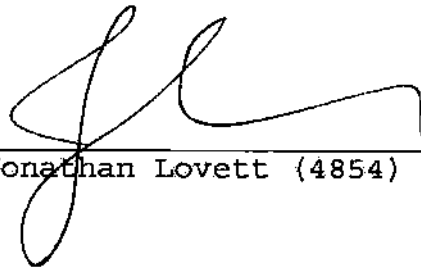

Jonathan Lovett (4854)

EXHIBIT 1

DATE	INITIALS	CLIENT'S NAME	MATTER OR FILE NUMBER	CODE	HOURS	UNIT	AMOUNT
11/5/07		Guardian PI			1.7		\$
LOVETT & GOULD Attorneys At Law 222 BLOOMINGDALE ROAD, WHITE PLAINS, N.Y. 10605				(6 MINUTES = 1/10 HOUR)			
CHARGEABLE TIME SLIP REMARKS				CODE OF CHARGES A—COURT APPEARANCE C—CONFERENCE F—FACTS INVESTIGATION L—LETTER LL—LONG LETTER P—PREPARATION R—RESEARCH PC—PETTY CASH CHARGE TC—TELEPHONE CHARGE TL—TRAVEL NC—NON-CHARGEABLE			
Prep SZ - 1.0 Dep / SZ - 6.5 11/4 Prep dep witnesses - 1.1 attend depts mtg w SZ - 6.0 .4 11/7 Dep prep - 2.0 Deps				X			
CODE				POSTED <input type="checkbox"/> DATE BILLED			

DATE	INITIALS	CLIENT'S NAME	MATTER OR FILE NUMBER	CODE	HOURS	UNIT	AMOUNT
3/13/08		Guardian PI			4.2		\$
LOVETT & GOULD Attorneys At Law 222 BLOOMINGDALE ROAD, WHITE PLAINS, N.Y. 10605				(6 MINUTES = 1/10 HOUR)			
CHARGEABLE TIME SLIP REMARKS				CODE OF CHARGES A—COURT APPEARANCE C—CONFERENCE F—FACTS INVESTIGATION L—LETTER LL—LONG LETTER P—PREPARATION R—RESEARCH PC—PETTY CASH CHARGE TC—TELEPHONE CHARGE TL—TRAVEL NC—NON-CHARGEABLE			
Review CT memorandum + order - 1.2 prep fee applica - 1.7 prep proposed injunction - 1.3				X			
CODE				POSTED <input type="checkbox"/> DATE BILLED			

DATE	INITIALS	CLIENT'S NAME	MATTER OR FILE NUMBER	CODE	HOURS	UNIT	AMOUNT
12/12/07		LOVETT & GOULD Attorneys At Law 222 BLOOMINGDALE ROAD, WHITE PLAINS, N.Y. 10605					
CHARGEABLE TIME SLIP				(6 MINUTES = 1/10 HOUR)			
REMARKS				CODE OF CHARGES A—COURT APPEARANCE C—CONFERENCE F—FACTS INVESTIGATION L—LETTER LL—LONG LETTER P—PREPARATION R—RESEARCH PC—PETTY CASH CHARGE TC—TELEPHONE CHARGE TL—TRAVEL NC—NON-CHARGEABLE			
12/12/07 Draft legal not - (7.5)				X			
CODE				POSTED <input type="checkbox"/> DATE BILLED			

DATE	INITIALS	CLIENT'S NAME	MATTER OR FILE NUMBER	CODE	HOURS	UNIT	AMOUNT
12/19/07		Guardian P.T.			12	3	\$
LOVETT & GOULD Attorneys At Law 222 BLOOMINGDALE ROAD, WHITE PLAINS, N.Y. 10605				(6 MINUTES = 1/10 HOUR)			
CHARGEABLE TIME SLIP				CODE OF CHARGES A—COURT APPEARANCE C—CONFERENCE F—FACTS INVESTIGATION L—LETTER LL—LONG LETTER P—PREPARATION R—RESEARCH PC—PETTY CASH CHARGE TC—TELEPHONE CHARGE TL—TRAVEL NC—NON-CHARGEABLE			
REMARKS				X			
12/19 + annotated trial + script (5.3)							
12/17 Draft rough points 1 + 2 (2.7)							
12/18 - Review + summary not - (4.3)							
CODE				POSTED <input type="checkbox"/> DATE BILLED			

DATE	INITIALS	CLIENT'S NAME	MATTER OR FILE NUMBER	CODE	HOURS	UNIT	AMOUNT
11/10/07		Guardian PI			28	8	\$
LOVETT & GOULD Attorneys At Law 222 BLOOMINGDALE ROAD, WHITE PLAINS, N.Y. 10605				(6 MINUTES = 1/10 HOUR)			
CHARGEABLE TIME SLIP				CODE OF CHARGES A—COURT APPEARANCE C—CONFERENCE F—FACTS INVESTIGATION L—LETTER LL—LONG LETTER P—PREPARATION R—RESEARCH PC—PETTY CASH CHARGE TC—TELEPHONE CHARGE TL—TRAVEL NC—NON-CHARGEABLE			
REMARKS				X			
Trial prep (5.6)							
11/11 - " (3.8)							
11/12 - " (7.0) 14.4							
11/13 - Trial prep (3.0) ; prep (1.3)							
Trial - (7.0) not w 52 (1.1)							
CODE				POSTED <input type="checkbox"/> DATE BILLED			

DATE	INITIALS	CLIENT'S NAME	MATTER OR FILE NUMBER	CODE	HOURS	UNIT	CHARGEABLE TIME	AMOUNT
		LOVETT & GOULD Attorneys At Law 222 BLOOMINGDALE ROAD, WHITE PLAINS, N.Y. 10605						
<p align="center">CHARGEABLE TIME SLIP</p> <p align="center">REMARKS</p> <p>MTG w S2: (1.2)</p>								
<p align="right">(6 MINUTES = 1/10 HOUR)</p>								

CODE OF CHARGES

A—COURT APPEARANCE
C—CONFERENCE
F—FACTS INVESTIGATION
L—LETTER
LL—LONG LETTER
P—PREPARATION
R—RESEARCH
PC—PETTY CASH CHARGE
TC—TELEPHONE CHARGE
TL—TRAVEL
NC—NON-CHARGEABLE

X _____

DATE	INITIALS	CLIENT'S NAME	MATTER OR FILE NUMBER	CODE	HOURS	UNIT	CHARGEABLE TIME	AMOUNT
10/19/07		Guardian - P1			3	2		\$
<p align="center">LOVETT & GOULD Attorneys At Law 222 BLOOMINGDALE ROAD, WHITE PLAINS, N.Y. 10605</p> <p align="center">CHARGEABLE TIME SLIP</p> <p align="center">REMARKS</p> <p>Doc rev / draft doc for rev prep apx re K Plunkett (1.4) (1.2)</p>								
<p align="right">(6 MINUTES = 1/10 HOUR)</p>								

CODE OF CHARGES

A—COURT APPEARANCE
C—CONFERENCE
F—FACTS INVESTIGATION
L—LETTER
LL—LONG LETTER
P—PREPARATION
R—RESEARCH
PC—PETTY CASH CHARGE
TC—TELEPHONE CHARGE
TL—TRAVEL
NC—NON-CHARGEABLE

X _____

DATE	INITIALS	CLIENT'S NAME	MATTER OR FILE NUMBER	CODE	HOURS	UNIT	CHARGEABLE TIME	AMOUNT
11/14/07		Guardian P1			9	6		\$
<p align="center">LOVETT & GOULD Attorneys At Law 222 BLOOMINGDALE ROAD, WHITE PLAINS, N.Y. 10605</p> <p align="center">CHARGEABLE TIME SLIP</p> <p align="center">REMARKS</p> <p>Trial prep (2.2) Trial - (7.0) MTG w client (1.4)</p>								
<p align="right">(6 MINUTES = 1/10 HOUR)</p>								

CODE OF CHARGES

A—COURT APPEARANCE
C—CONFERENCE
F—FACTS INVESTIGATION
L—LETTER
LL—LONG LETTER
P—PREPARATION
R—RESEARCH
PC—PETTY CASH CHARGE
TC—TELEPHONE CHARGE
TL—TRAVEL
NC—NON-CHARGEABLE

X _____

POSTED ☐ DATE BILLED

DATE	INITIALS	CLIENT'S NAME	MATTER OR FILE NUMBER	CODE	HOURS	UNIT	AMOUNT
9/4/07		Guardian / Zhebei					\$

LOVETT & GOULD
Attorneys At Law
222 BLOOMINGDALE ROAD, WHITE PLAINS, N.Y. 10605

CHARGEABLE TIME SLIP

REMARKS
Dinner; draft MCL for Pi - (2.0)

CODE

POSTED ☐ DATE BILLED

(6 MINUTES = 1/10 HOUR)

CODE OF CHARGES

A—COURT APPEARANCE
C—CONFERENCE
F—FACTS INVESTIGATION
L—LETTER
LL—LONG LETTER
P—PREPARATION
R—RESEARCH
PC—PETTY CASH CHARGE
TC—TELEPHONE CHARGE
TL—TRAVEL
NC—NON-CHARGEABLE

X

DATE	INITIALS	CLIENT'S NAME	MATTER OR FILE NUMBER	CODE	HOURS	UNIT	AMOUNT
9/21/07		Guardian Pi			3.5		\$

LOVETT & GOULD
Attorneys At Law
222 BLOOMINGDALE ROAD, WHITE PLAINS, N.Y. 10605

CHARGEABLE TIME SLIP

REMARKS
G m pi - (3.5)

CODE

POSTED ☐ DATE BILLED

(6 MINUTES = 1/10 HOUR)

CODE OF CHARGES

A—COURT APPEARANCE
C—CONFERENCE
F—FACTS INVESTIGATION
L—LETTER
LL—LONG LETTER
P—PREPARATION
R—RESEARCH
PC—PETTY CASH CHARGE
TC—TELEPHONE CHARGE
TL—TRAVEL
NC—NON-CHARGEABLE

X

DATE	INITIALS	CLIENT'S NAME	MATTER OR FILE NUMBER	CODE	HOURS	UNIT	AMOUNT
10/2/07		Guardian Pi			5.1		\$

LOVETT & GOULD
Attorneys At Law
222 BLOOMINGDALE ROAD, WHITE PLAINS, N.Y. 10605

CHARGEABLE TIME SLIP

REMARKS
Pimp II doc prod reg - (3.0)
10/7 - Rev D doc prod reg - (2.7)
10/8 - Reg w client re - (1.4)

CODE

POSTED ☐ DATE BILLED

(6 MINUTES = 1/10 HOUR)

CODE OF CHARGES

A—COURT APPEARANCE
C—CONFERENCE
F—FACTS INVESTIGATION
L—LETTER
LL—LONG LETTER
P—PREPARATION
R—RESEARCH
PC—PETTY CASH CHARGE
TC—TELEPHONE CHARGE
TL—TRAVEL
NC—NON-CHARGEABLE

X

EXHIBIT 2

Client Guardian- newgracks Date _____

Credit _____ () check () cash \$ _____

Debit:

Telephone to: _____ J \$ _____

Xerox no. of copies 1244 \$ _____

Postage: 41.49 + 31.38 \$ _____

Other: _____

Check drawn no. _____ to: _____

EXHIBIT 3

EXHIBIT 4

Invoice for Professional Services

U.S. Process Service, Inc.
7 Central Park Avenue
Yonkers, New York 10705
Federal ID Number: 13-3819711

DATE: 11/15/2007 **INVOICE:** 49338

LOVETT & GOULD
222 BLOOMINGDALE ROAD
WHITE PLAINS, NY 10605

ATTN: ANN FRANK

CASE SELIM ZHERKA
TITLE:

PHILLIP AMICONE, ET AL
-VS-

Party Served: PHILLIP AMICONE, MAYOR OF CITY OF YONKERS
 CITY HALL
 40 SOUTH BROADWAY
 YONKERS, NY

CHARGE ITEMS:

Service Fee	\$40.00
Postage	\$1.48
Total Charges:	\$41.48
Total Prepaid:	\$0.00
Total Amount Due:	\$41.48

To insure proper credit, return bottom stub with your check. All unpaid invoices over 30 days are subject to a service charge.

UNITED STATES PROCESS SERVICE, INC.
 Please return this stub with remittance.

FID: 1295

FROM: LOVETT & GOULD
 222 BLOOMINGDALE ROAD
 WHITE PLAINS, NY 10605

REMIT TO: U.S. Process Service, Inc.
 7 Central Park Avenue
 Yonkers, New York 10705
 Federal ID Number: 13-3819711

INVOICE: 49338

DATE: 11/15/2007

AMOUNT: \$41.48

Invoice for Professional Services

U.S. Process Service, Inc.
 7 Central Park Avenue
 Yonkers, New York 10705
 Federal ID Number: 13-3819711

DATE: 11/15/2007 INVOICE: 49337

LOVETT & GOULD
 222 BLOOMINGDALE ROAD
 WHITE PLAINS, NY 10605

ATTN: ANN FRANK

CASE SELIM ZHERKA
 TITLE:

PHILLIP AMICONE, ET AL

-VS-

Party PHILIP AMICONE, INDIVIDUALLY
 Served: CITY HALL/ CITY OF YONKERS
 40 SOUTH BROADWAY
 YONKERS, NY

CHARGE ITEMS:

Service Fee	\$20.00
Postage	\$1.48
Total Charges:	\$21.48
Total Prepaid:	\$0.00
Total Amount Due:	\$21.48

To insure proper credit, return bottom stub with your check. All unpaid invoices over 30 days are subject to a service charge.

UNITED STATES PROCESS SERVICE, INC.
 Please return this stub with remittance.

FID: 1295

FROM: LOVETT & GOULD
 222 BLOOMINGDALE ROAD
 WHITE PLAINS, NY 10605

REMIT TO: U.S. Process Service, Inc.
 7 Central Park Avenue
 Yonkers, New York 10705
 Federal ID Number: 13-3819711

INVOICE: 49337

DATE: 11/15/2007

AMOUNT: \$21.48

EXHIBIT 5

COMPU-TRAN SHORTHAND REPORTING

297 Knollwood Road
 White Plains, New York 10607
 (914) 683-1122 FAX (914) 683-5529

BILL TO:

LOVETT & GOULD, ESQS.
 222 BLOOMINGDALE ROAD
 WHITE PLAINS, NY 10605

INVOICE NO. : 1000230

INVOICE DATE: 12/10/2007

REPORTER:
 DONNA BOCHNIK

JONATHAN LOVETT, ESQ.

ID# 13-3313902

GUARDIAN NEWS VS.
 PHIL AMICONE, CITY OF YONKERS, ET AL

Date	Description	Amount
11/07/2007	DEPOSITION OF PAUL WOOD, 71 PAGES	319.50
	ORIGINAL & 1 COPY	25.00
	MINISCRIP, WORD INDEX	
11/07/2007	DEPOSITION OF DAVID SIMPSON, 76 PAG	319.50
	ORIGINAL & 1 COPY	25.00
	MINISCRIP, WORD INDEX	
11/07/2007	DEPOSITION OF CHARLES GARDNER, 90 P	405.00
	ORIGINAL & 1 COPY	25.00
	MINISCRIP, WORD INDEX	
11/07/2007	DEPOSITION OF DANIEL BARAHONA, 65 P	292.50
	ORIGINAL & 1 COPY	25.00
	MINISCRIP, WORD INDEX	
11/07/2007	DEPOSITION OF DAVID MASON, 61 PAGES	274.50
	ORIGINAL & 1 COPY	25.00
	MINISCRIP, WORD INDEX	
11/07/2007	DEPOSITION OF THOMAS CLEARY, 26 PAG	117.00
	ORIGINAL & 1 COPY	
11/07/2007	DEPOSITION OF JOSEPH GALINSKI, 45 P	202.50
	ORIGINAL & 1 COPY	
11/07/2007	DEPOSITION OF JOHN FLEMING, 32 PAGE	144.00
	ORIGINAL & 1 COPY	9.00
	POSTAGE & HANDLING	
	Sub Total	2,208.50
	Paid	0.00
	Balance Due	2,208.50

***** INVOICE *****

COMPU-TRAN SHORTHAND REPORTING

297 Knollwood Road
 White Plains, New York 10607
 (914) 683-1122 FAX (914) 683-5529

BILL TO:

LOVETT & GOULD, ESQS.
 222 BLOOMINGDALE ROAD
 WHITE PLAINS, NY 10605

INVOICE NO. : 1000239
INVOICE DATE: 12/11/2007
REPORTER:

JONATHAN LOVETT, ESQ.
 THE GUARDIAN NEWS, INC. VS.
 PHILIP AMICONE, CITY OF YONKERS


ID# 13-3313902

Date	Description	Amount
11/09/2007	DBT OF RICHARD ALAIMO, 23 PAGES ORIGINAL & 1 COPY	103.50
11/09/2007	EBT OF EDWARD MAIER, 19 PAGES ORIGINAL & 1 COPY	85.50
11/09/2007	EBT OF RICHARD MADAFFARI, 46 PAGES ORIGINAL & 1 COPY	207.00
11/09/2007	EBT OF JOHN LISZEWSKI, 96 PAGES ORIGINAL & 1 COPY	432.00
	MINISCRIP, WORD INDEX	25.00
	POSTAGE & HANDLING	9.00
Sub Total		862.00
Paid		0.00
Balance Due		862.00

**** INVOICE ****

EXHIBIT 6

FROM <i>FOURTT & GUD</i>		TO <i>WR</i>	
ADDRESS		ADDRESS <i>Journal News</i>	
ITEM (WT.)	PKGS. <i>3</i>	CTNS.	SCHED.
INSTR.		INVOICE	ACCT#
<i>PL + RETN</i>			



M & S
M&S MAIL DELIVERY & MESSENGER SERVICE, INC.
 WHITE PLAINS, NY
 DAILY DELIVERIES: WESTCHESTER, NYC, CONN. NJ.
 1 (800) 734-5552
 (203) 357-9037
 (914) 948-3649
 FAX (914) 946-0994

Date *2-5*

Time

Driver *116*

72990

CHARGES

Base

Rate

Extra

Items

Tolls

Wak

Time

TOTAL CHARGES: 50-

RECEIVED IN GOOD ORDER PER RATE CHARGED. M&S ASSUMES A MAXIMUM \$100.00 LIABILITY FOR EACH SHIPMENT UNLESS A GREATER VALUE IS DECLARED & ADD'L. FEE IS PURCHASED. NOT LIABLE FOR CASH, NEGOTIABLES, & ITEMS OF HIGH VALUE.

*EXCEPT GREATER VALUE DECLARED
 & ADD'L. FEE 20/00 CASH OR NEGOTIABLE*

RICKYATA MOORE

**** M & S MESSENGER SERVICE ****

WHEN YOU NEED US / WHEN YOU WANT US

3111-90 No. Broadway, White Plains, NY

800-734-5552

914-948-3649

914-946-0994

Charles J. Amore

FROM L+G		TO Police Dept	
ADDRESS		ADDRESS 53 SHONARD PL.	
ANN		S. DIMAGGIO Junkie	
ITEM (WT.)	PKGS.	CTNS.	SCHED.
	7		EXCL
INSTR.		INVOICE	
		ACCT# 72729	



M&S MAIL DELIVERY & MESSENGER SERVICE, INC.

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(203) 357-9037

WHITE PLAINS, NY

DAILY DELIVERIES: WESTCHESTER, NYC, CONN. NJ.

FAX (914) 946-0994

Date	11-9	72729
Time	12	CHARGES
Driver	116	Base <input checked="" type="checkbox"/>
		Rate <input checked="" type="checkbox"/>
		Extra <input checked="" type="checkbox"/>
		Items <input checked="" type="checkbox"/>
		Tolls <input type="checkbox"/>
		Wait <input type="checkbox"/>
		Time <input type="checkbox"/>

RECEIVED IN GOOD ORDER PER RATE CHARGED. M&S ASSUMES A MAXIMUM \$200.00 LIABILITY FOR EACH SHIPMENT UNLESS A GREATER VALUE IS DECLARED & ADD'L FEE IS PURCHASED. NOT LIABLE FOR CASH, NEGOTIABLES, & ITEMS OF HIGH VALUE.

TOTAL CHARGES: **50**

FROM L+G		TO CORP Council	
ADDRESS		ADDRESS 4050 Bronx	
AWN		Junkie	
ITEM (WT.)	PKGS.	CTNS.	SCHED.
			EXCL
INSTR.		INVOICE	
		ACCT# 72715	



M&S MAIL DELIVERY & MESSENGER SERVICE, INC.

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(203) 357-9037

WHITE PLAINS, NY

DAILY DELIVERIES: WESTCHESTER, NYC, CONN. NJ.

FAX (914) 946-0994

Date	11-5	72715
Time	9	CHARGES
Driver	116	Base <input checked="" type="checkbox"/>
		Rate <input checked="" type="checkbox"/>
		Extra <input checked="" type="checkbox"/>
		Items <input checked="" type="checkbox"/>
		Tolls <input type="checkbox"/>
		Wait <input type="checkbox"/>
		Time <input type="checkbox"/>

RECEIVED IN GOOD ORDER PER RATE CHARGED. M&S ASSUMES A MAXIMUM \$200.00 LIABILITY FOR EACH SHIPMENT UNLESS A GREATER VALUE IS DECLARED & ADD'L FEE IS PURCHASED. NOT LIABLE FOR CASH, NEGOTIABLES, & ITEMS OF HIGH VALUE.

TOTAL CHARGES: **75**

FROM L+G		TO Junkies PO	
ADDRESS		ADDRESS 10050 BRUNDM	
AWN		Junkie	
ITEM (WT.)	PKGS.	CTNS.	SCHED.
			EXCL
INSTR.		INVOICE	
		ACCT# 72714	



M&S MAIL DELIVERY & MESSENGER SERVICE, INC.

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(203) 357-9037

WHITE PLAINS, NY

DAILY DELIVERIES: WESTCHESTER, NYC, CONN. NJ.

FAX (914) 946-0994

Date	11-5	72714
Time	9	CHARGES
Driver	116	Base <input checked="" type="checkbox"/>
		Rate <input checked="" type="checkbox"/>
		Extra <input checked="" type="checkbox"/>
		Items <input checked="" type="checkbox"/>
		Tolls <input type="checkbox"/>
		Wait <input type="checkbox"/>
		Time <input type="checkbox"/>

RECEIVED IN GOOD ORDER PER RATE CHARGED. M&S ASSUMES A MAXIMUM \$200.00 LIABILITY FOR EACH SHIPMENT UNLESS A GREATER VALUE IS DECLARED & ADD'L FEE IS PURCHASED. NOT LIABLE FOR CASH, NEGOTIABLES, & ITEMS OF HIGH VALUE.

TOTAL CHARGES: **75**

FROM L+G			TO THATHER PRINCE		
ADDRESS ANN			ADDRESS 50 MAN ST		
ITEM (WT.)	PKGS.	CTNS.	SCHED.	SPEC.	EXCL.
INSTR.			INVOICE		
			ACCT#		
			FROM TO		



M&S MAIL DELIVERY & MESSENGER SERVICE, INC.

WHITE PLAINS, NY

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1 (800) 734-5552

(203) 357-9037

(914) 948-3649

FAX (914) 946-0994

Guardian / Amicone

Date 10-19	72670
Time 3:15	CHARGES
Driver 10	Base
	Rate
	Extra
	Items
	Tolls
	Wait
	time

RECEIVED IN GOOD ORDER PER RATE CHARGED. M&S ASSUMES A MAXIMUM \$200.00 LIABILITY FOR EACH SHIPMENT UNLESS A GREATER VALUE IS DECLARED & ADD'L FEE IS PURCHASED. NOT LIABLE FOR CASH, NEGOTIABLES, & ITEMS OF HIGH VALUE.

TOTAL CHARGES:

35

FROM L+G			TO Yonkers P.O.		
ADDRESS (ANN)			ADDRESS 100 SO BRIDGE		
ITEM (WT.)	PKGS.	CTNS.	SCHED.	SPEC.	EXCL.
INSTR.			INVOICE		
			ACCT#		
			FROM TO		



M&S MAIL DELIVERY & MESSENGER SERVICE, INC.

WHITE PLAINS, NY

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1 (800) 734-5552

(203) 357-9037

(914) 948-3649

FAX (914) 946-0994

Guardian / Yonkers

Date 11-9	72727
Time 12	CHARGES
Driver 116	Base
	Rate
	Extra
	Items
	Tolls
	Wait
	time

RECEIVED IN GOOD ORDER PER RATE CHARGED. M&S ASSUMES A MAXIMUM \$200.00 LIABILITY FOR EACH SHIPMENT UNLESS A GREATER VALUE IS DECLARED & ADD'L FEE IS PURCHASED. NOT LIABLE FOR CASH, NEGOTIABLES, & ITEMS OF HIGH VALUE.

TOTAL CHARGES:

75

FROM L+G			TO COMP COUNCIL		
ADDRESS DNW			ADDRESS 40 SO BRIDGE		
ITEM (WT.)	PKGS.	CTNS.	SCHED.	SPEC.	EXCL.
INSTR.			INVOICE		
			ACCT#		
			FROM TO		



M&S MAIL DELIVERY & MESSENGER SERVICE, INC.

WHITE PLAINS, NY

DAILY DELIVERIES: WESTCHESTER, NYC, CONN. NJ.

1 (800) 734-5552

(203) 357-9037

(914) 948-3649

FAX (914) 946-0994

Date 11-9	72728
Time 12	CHARGES
Driver 116	Base
	Rate
	Extra
	Items
	Tolls
	Wait
	time

RECEIVED IN GOOD ORDER PER RATE CHARGED. M&S ASSUMES A MAXIMUM \$200.00 LIABILITY FOR EACH SHIPMENT UNLESS A GREATER VALUE IS DECLARED & ADD'L FEE IS PURCHASED. NOT LIABLE FOR CASH, NEGOTIABLES, & ITEMS OF HIGH VALUE.

TOTAL CHARGES:

EXHIBIT 7

Dropped off: Apr 12, 2007

Payer: Shipper

Cust. Ref: GUARDIAN NEWS

Ref. #2

Ref. #2

The Earned Discount for this ship date has been calculated based on a revenue threshold of \$49.46
 Fuel Surcharge - FedEx has applied a fuel surcharge of 10.00% to this shipment.
 Distance Based Pricing, Zone 2
 FedEx has audited this shipment for correct packages, weight, and service. Any changes made are reflected in the invoice amount.
 The package weight exceeds the maximum for the packaging type, therefore, FedEx Pak was rated as Customer Packaging.

USAB
 Tracking ID 857688550791
 Service Type FedEx Priority Overnight
 Package Type Customer Packaging
 Zone 02
 Packages 1
 Rated Weight 5.0 lbs, 2.3 kgs
 Delivered Apr 13, 2007 09:13
 Vc Area AA
 Signed by G. WILLIAMS
 dEx Use 010217822/0001486/

Sender
 JONATHAN LOVETT
 LOVETT & GOULD
 222 BLOOMINGDALE RD
 WHITE PLAINS NY 10605-1513 US

Recipient
 GAIL WILLIAMS
 UNITED STATES PROCESS SERVICE
 7 CENTRAL PARK AVE
 YONKERS NY 10705 US

Transportation Charge
 Earned Discount
 Fuel Surcharge
 Total Charge

22.50

-3.15

1.94

\$21.29

Client's
 Gail Williams

Phone ()

Unit United States Process Service Inc.

Client's
 7 Central Park Avenue

Unit deliver to P.O. box or P.O. ZIP codes.

Days/Hours/Location

Unit at a package be held at a specific FedEx location, print FedEx address here.

Yonkers

State NY ZIP 10705

0337066289

Schedule a pickup at fedex.com

Stop at your shipping location. Access all the tools you need.

Send the package to the recipient's address. Do not use this shipping label for other purposes. One box must be checked.

☐ No ☐ Yes
 As per attached Shipper's Declaration.

☐ Yes
 Shipper's Declaration not required.

☐ Dry Ice
 Dry Ice, 5.00 lbs. max

☐ Cargo Aircraft Only

7 Payment Bill to: Enter FedEx Acct. No. or Credit Card No. below.

☐ Sender
 Acct. No. in Section 1 will be billed.

☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

FedEx Acct. No. Credit Card No. Exp. Date

Total Packages	Total Weight	Total Declared Value*
		\$.00

*Our liability is limited to \$100 unless you declare a higher value. See back for details. By using this label you agree to the service conditions on the back of this label and in the current FedEx Service Guide, including terms that limit our liability. FedEx Use Only

8 NEW Residential Delivery Signature Options If you require a signature, check Direct or Indirect.

☐ No Signature Required
 Package may be left without obtaining a signature for delivery.

☐ Direct Signature
 Anyone at recipient's address may sign for delivery. Fee applies.

☐ Indirect Signature
 If no one is available at recipient's address, someone at a neighboring address may sign for delivery. Fee applies.

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Rev. Date 11/05-Part 1/02/07-01/06-2006 FedEx PRINTED IN U.S.A.-GHS

573.84

Part. Order 1106-Part #15023-01054-2018 Face-PRINTED IN U.S.A.-578

- The Earned Discount for this ship date has been calculated based on a revenue threshold of \$52.22
- Fuel Surcharge - FedEx has applied a fuel surcharge of 17.50% to this shipment.
- Business Closed or Adult Recipient Unavailable - Delivery Not Completed.
- Distance Based Pricing, Zone 2
- 1st attempt Dec 05, 2007 at 09:56 AM.

Automation USAB
Tracking ID 857688551868
Service Type FedEx Priority Overnight
Package Type FedEx Envelope
Zone 02
Packages 1
Rated Weight N/A
Delivered Dec 05, 2007 10:50
Svc Area A2
Signed by M.AYALA
FedEx Use 033913543/0000186/

Sender
JONATHAN LOVETT
LOVETT & GOULD
222 BLOOMINGDALE RD
WHITE PLAINS NY 10605-1513 US

Transportation Charge
Residential Delivery
Earned Discount
Fuel Surcharge
Total Charge

Recipient
SAM ZHERKA
THE GUARDIAN NEWS
251 NORTH AVE 2ND FL
NEW ROCHELLE NY 10801 US

14.50
2.20
-2.03
2.57

Recipient's name Sam Zherka Phone ()

Company The Guardian News

Recipient's address 251 North Avenue 2nd floor

cannot deliver to P.O. boxes or P.O. ZIP codes.

Dept./Floor/Suite/Room

Address
assign a package to hold at a specific FedEx location, print FedEx address here.

New Rochelle State NY ZIP 10801

0337066289

 Find drop-off locations at fedex.com
Simplify your shipping. Manage your account. Access all the tools you need.

☐ SATURDAY Delivery
NOT Available for
FedEx Standard Overnight,
FedEx First Overnight, FedEx Express
Saver, or FedEx 2Day Freight.
Does this shipment contain dangerous goods?
One box must be checked out.

☐ No ☐ Yes ☐ Yes
As per attached Shipper's Declaration
Shipper's Declaration not required.

☐ MULTIPLE Processing at FedEx Location
NOT Available for
FedEx First Overnight.

☐ at FedEx Location
Available ONLY for
FedEx Priority Overnight and
FedEx 2Day to select locations.

☐ Dry Ice
Dry Ice, 5, UN 1845 x kg
☐ Cargo Aircraft Only

7 Payment **BILL TO:** Enter FedEx Acct. No. or Credit Card No. below.

☐ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

FedEx Acct. No. _____ Exp. Date _____
Credit Card No. _____

Total Packages Total Weight Total Declared Value¹
\$.00

¹Our liability is limited to \$100 unless you declare a higher value. See back for details. By using this form you agree to the service conditions on the back of this label and in the current FedEx Service Guide, including limits that limit our liability. FedEx Use Only

8 NEW Residential Delivery Signature Options If you require a signature, check Direct or Indirect.

No Signature Required
Package may be left without obtaining a signature for delivery.

Direct Signature
Anyone at recipient's address may sign for delivery. See options.

Indirect Signature
If no one is available at recipient's address, anyone at a neighboring address may sign for delivery. See options.

519

Rev. Date 1/10/07 Form #150270-01/99-2005 FedEx-PRINTED IN U.S.A.-SRS